

From: [Bird, Patrick](#)
To: [Peter Barba](#)
Subject: RE: Call Follow-up
Date: Wednesday, February 18, 2015 10:59:00 AM

Hi Peter,

I've included information below on the legitimacy criteria for non-hazardous secondary materials. This information was pulled from EPA's website on the *Identification of Non-Hazardous Secondary Materials That Are Solid Waste* (<http://www.epa.gov/solidwaste/nonhaz/define/index.htm>), and includes recent rule updates and EPA responses to site-specific legitimacy criteria determinations.

In general, non-hazardous secondary materials burned in combustion units are solid wastes *unless*:

- The material is used as a fuel that remains within the control of the generator (whether at the site of generation or another site the generator has control over) and meets the legitimacy criteria. *(For definition of legitimacy criteria, please see 40 CFR 241.3 (d)).*
- The material is used as an ingredient in a manufacturing process (whether by the generator or outside the control of the generator) that meets the legitimacy criteria.
- The material has been sufficiently processed to produce a fuel or ingredient product that meets the legitimacy criteria.
- The material that has been determined through a case-by-case petition process not to have been discarded and to be indistinguishable in all relevant aspects from a fuel product.

If you'd like more information, the Region 1 contact on this rule is Ms. Juiyu Hsieh

(hsieh.juiyu@epa.gov). For questions seeking a broader, national perspective, I would recommend contacting Mr. George Faison of EPA's Office of Solid Waste (faison.george@epa.gov).

As always, please feel free to contact me with any questions concerning our 2/5/15 conversation or the combustor rules in general.

Thanks,

Pat

Patrick Bird

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From: Peter Barba [<mailto:peterbarba17@gmail.com>]

Sent: Friday, February 13, 2015 7:33 PM

To: Bird, Patrick

Subject: Call Follow-up

Hi Pat,

Thanks for the call the other week. We are looking at ways to assure we build an efficient system and we want to try and meet the pyrolysis exemption.

You mentioned during the meeting that you would send me information that would give me the legitimacy criteria for defining pyrolysis. If there is also criteria for defining gasification I could use that for another project.

I would appreciate receiving this information on pyrolysis and gasification.

Thanks,

Peter

Peter Barba

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